

## **REMARKS**

This is intended to be a complete response to the Official Action mailed January 7, 2005, in which claims 1-31 were rejected. Applicant has amended claims 1, 8, 12, 18, 20, 24, 27, and 30 herein.

### **Double Patenting**

Claims 1-31 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 and 20-23 of U.S. Patent No. 6,705,046 B2.

Applicant submits herewith a terminal disclaimer over U.S. 6,705,046, thereby mooting the rejection.

### **Rejection Under 37 C.F.R. § 102(b)**

Claim 1-5, 7-9, 11-17, 20-22, 24, and 25 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Newport (AU 42319/78).

Applicant respectfully traverses. While the Newport reference does teach a sleeve having a label ("ABC") on the lower portion, it doesn't teach a sleeve having a lower portion which has a printed or decorative portion which substantially covers the entire portion of the sleeve below the non-linear upper boundary of decorative pattern.

Newport teaches a label "ABC" which is positioned on a middle area of the lower portion of the sleeve. Newport has zones on the lower portion which are

below and to the left and right of, as well as above, the printed label "ABC".  
The letters "ABC" do not define a non-linear upper boundary which distinctly defines a zone below the detaching element and above the non-linear upper boundary.

As indicated in the currently amended claims, in the present invention the zone is positioned substantially only above the non-linear upper boundary of the decorative pattern, for example as shown in Figure 1. Newport teaches that the zone which is free of the decorative pattern or coloring which forms the non-linear upper boundary occurs above, below and adjacent the sides of the "ABC", i.e., the decorative pattern. Therefore, Newport does not teach each and every element of the invention and thus does not anticipate the present claims under § 102(b).

In view of the above, applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(b).

### **Rejection under 35 U.S.C. § 103**

Claims 6, 10, 18, 19, 23, and 26-31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Newport (AU 42319/78) in view of Evans et al. (US 3,512,700).

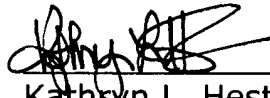
Applicant respectfully traverses the rejection for the same reasons provided in the response to the rejection under 35 U.S.C. § 102(b). Evans et al. do not remedy the deficiencies of the Newport reference. In view of the

above, applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a).

### **Conclusion**

In view of the above, Applicant respectfully suggests that the claims are now in a condition for allowance and request issuance of a Notice of Allowance thereof.

Respectfully submitted,



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